

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JACQUELINE MICHELLE RANDOLPH-BROWN,)
on behalf of A.C.R.)

Plaintiff,)

v.)

MICHAEL J. ASTRUE,)
Commissioner of Social Security,)

Defendant.)

3:11-CV-342-RJC-DSC

ORDER

PURSUANT TO the authority of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's August 29, 2012 Order and Judgment remanding this case to the Defendant Commissioner for further administrative proceedings.

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of five thousand nine hundred seventy-two dollars and two cents (\$5,972.02) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the EAJA. Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 560 U.S. ----, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes a debt to the government that would subject this award

of attorney's fees to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff, rather than to counsel.

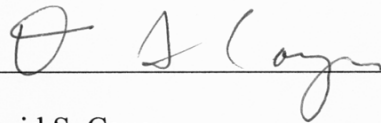
Pursuant to the authority of this Court to award fees under 42 U.S.C. § 406(b), and in light of the Appeals Council's June 20, 2012 fully favorable decision,

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay five thousand seventeen dollars and sixty cents (\$5,017.60) to Plaintiff's counsel for work in the above-referenced matter.

IT IS FURTHER ORDERED that because fees are being awarded under § 406(b) and the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (d), Counsel shall remit to Plaintiff the lesser amount of either the § 406(b) payment or any amount paid to him by Plaintiff out of funds awarded to Plaintiff pursuant to the EAJA.

SO ORDERED.

Signed: October 25, 2012

A handwritten signature in dark ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

